

REMARKS

Claims 1 - 32 are presently pending. In the above-identified Office Action, the Examiner rejected Claims 1, 15 and 25 under 35 U.S.C. § 102(e) as being anticipated by Tomimori (U.S. Patent 6,456,841). In addition, the Examiner rejected the Claims under 35 U.S.C. § 103(a) as being unpatentable over Katta *et al.* (U.S. Patent No. 6,353,444) hereinafter 'Katta' in view of Farris *et al.* (U.S. Patent No. 6,617,253) hereinafter 'Farris'.

For the reasons set forth more fully below, Applicants respectfully submit that the Application properly defines an invention patentable over the prior art. Reconsideration, allowance and passage to issue are therefore respectfully requested.

As mentioned previously, the present invention addresses the need in the art for a system or method for providing an instant replay capability for mobile receivers. In a most general implementation, the inventive system is a receiver adapted to receive a transmitted signal and provide an instantaneous output signal in response thereto. The inventive receiver includes a medium (electronic or physical) for storing at least a portion of the received signal. In accordance with present teachings, the inventive receiver selectively outputs either a stored selection or the receive signal in response to user input (i.e. a replay signal).

In the illustrative embodiment, the receiver is a satellite digital audio radio service receiver having a radio frequency tuner and audio decoder. The system controller is a microprocessor that causes the system to store each selection as it is received. In the best mode, this is facilitated by the transmission and reception of a start of selection signal and an end of selection signal. The replay signal is provided via a user interface. Software running on a microprocessor includes code for detecting the presence of the instant replay signal. On detection of the replay signal, the software causes the system to output the stored selection.

The invention is set forth in Claims of varying scope, of which Claim 1 is illustrative. Claim 1, as amended, reads as follows:

1. A mobile receiver comprising:
 first means for receiving a transmitted signal and providing an instantaneous output signal in response thereto, said first means including **means for receiving satellite digital audio service signals**;
 second means for storing at least a portion of said received signal;
 third means for providing a replay signal; and
 fourth means for selectively outputting said stored portion of said received signal or said instantaneous output signal in response to said replay signal,
 said first, second, third and fourth means being disposed on a common mobile platform. (Emphasis added.)

None of the references, including those cited but not applied, taken alone or in combination, teach the invention as presently claimed. That is, none of the references teach, disclose or suggest a mobile receiver having means for receiving a transmitted signal, means for storing a portion of the received signal and means for selectively outputting the stored signal on command all mounted on a common mobile platform.

As mentioned above, in the above-identified Office Action, the Examiner cited Tomimori in the rejection of Claims 1, 15 and 25. In addition, Claims 1 – 32 were rejected as being unpatentable over the combination of Katta and Farris. However, as substantiated by Applicants Affidavit under 37 C.F.R. §1.131 dated October 3, 2002 and filed October 10, 2003, Applicants' date of invention predates the effective date of the Katta reference. Accordingly, Applicants' respectfully submit that the rejection of Claims 1 – 32 over the combined teachings of Katta and Farris is improper and should be withdrawn.

The only remaining issue is the rejection of Claims 1, 15 and 25 over Tomimori. Inasmuch as Claims 2 – 14, 16 – 24 and 26 – 32 were not rejected under Tomimori, these claims should be allowable if presented in independent form.

Accordingly, Claim 1 has been amended to include the limitations of Claim 2 and Claim 2 has been canceled. Claims 1 and 3 – 14 should now be allowable.

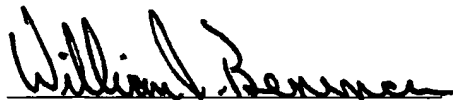
Likewise, Claim 15 has been amended to include the limitation of Claim 16 and Claim 16 has been canceled. Hence, Claims 15 and 17 – 24 should now be allowable.

Finally, Claim 25 has been amended to include the limitations of Claim 26 and Claim 26 has been canceled. Accordingly, Claims 25 and 27 – 32 should be allowable.

Claims 4, 5 and 32 have been presented in independent form as Claims 33, 34 and 44 respectively. Dependent Claims 6 – 14 have been presented as new Claims 35 – 43 respectively and depend from new Claim 34. Hence, these new claims should be allowable as well.

Accordingly, reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
G. Parsons, *et al.*

By 
William J. Benman
Attorney for Applicants
Registration No. 29,014

Benman, Brown & Williams
2049 Century Park East, Suite 2740
Los Angeles, CA 90067

(310) 553-2400
(310) 553-2675 (fax)